

KLEE, TUCHIN, BOGDANOFF & STERN LLP  
 1999 Avenue of the Stars, 39th Floor  
 Los Angeles, CA 90067  
 (310) 407-4000 (telephone)  
 (310) 407-9090 (facsimile)  
 David M. Stern (DS-3689)  
 Lee R. Bogdanoff (LB-6424)  
 Stacia A. Neeley (SN-8727)

-and-

VENABLE LLP  
 The Chrysler Building  
 405 Lexington Avenue  
 New York, New York 10174  
 (212) 983-3850 (telephone)  
 (212) 307-5598 (facsimile)  
 Edward A. Smith (ES-2461)

Counsel for Enron Creditors Recovery Corp. f/k/a Enron Corp.

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----	X	
In re:	:	No. 01-16034 (AJG)
	:	
	:	Chapter 11
ENRON CREDITORS RECOVERY CORP.,	:	
<i>et al.</i> ,	:	
	:	
Reorganized Debtors.	:	
-----	X	
ENRON CREDITORS RECOVERY CORP.,	:	Adv. Pro. No. 03-93370 (AJG)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
INTERNATIONAL FINANCE CORP., <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----	X	

**DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL AND  
 STATEMENT OF ISSUE TO BE PRESENTED ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Enron Creditors Recovery Corp. f/k/a Enron Corp. ("Enron"), by its undersigned counsel, hereby submits the following designation of items for inclusion in the record on appeal and statement of

issue to be presented on Enron's appeal from an opinion dated May 18, 2006 [Docket No. 132], an order dated June 5, 2006 [Docket No. 137] and a judgment dated August 9, 2006 [Docket No. 140] of the United States Bankruptcy Court for the Southern District of New York (Gonzalez, J.) granting motions to dismiss filed by appellees Caisse de Depot du Quebec and National Australia Bank, and a judgment of the Bankruptcy Court dated June 18, 2007 [Docket No. 156].<sup>1</sup>

**Statement of Issue to be Presented on Appeal**

Whether the legal representative of a bankruptcy estate that has timely filed suit against a subsequent transferee to avoid and recover a fraudulent transfer under the federal Bankruptcy Code, but that has not sued the initial transferee, states a claim on which relief can be granted.

**Designation of Items to Be Included in the Record on Appeal**

<u>Designation No.</u>	<u>Docket No.</u>	<u>Description</u>
P-1	1	Complaint to Avoid and Recover Fraudulent Transfers
P-2	55	Motion of Caisse de Depot et Placement du Quebec to Dismiss Adversary Complaint With Prejudice
P-3	57	Amended Motion of Caisse de Depot et Placement du Quebec to Dismiss Adversary Complaint With Prejudice
P-4	94	Memorandum of Law of Enron Corp., Plaintiff, in Opposition to Motion of Caisse de Depot et Placement du Quebec to Dismiss Complaint
P-5	96	Letter to Honorable Arthur J. Gonzalez dated May 12, 2005, including attachment
P-6	103	Defendant National Australia Bank's

<sup>1</sup> The opinion, order and judgment listed as Docket Nos. 132, 137 and 140 became appealable as final only upon entry of the orders and judgment [Docket Nos. 153, 154 and 156] disposing of the remaining claims against the remaining defendants. 28 U.S.C. § 158(a)(1); *LTV Steel Co., Inc. v. United Mine Wkrs. (In re Chateaugay Corp.)*, 922 F.2d 86, 90 (2d Cir. 1990); *Delta Air Lines, Inc. v. A.I. Leasing II, Inc. (In re Pan Am Corp.)*, 159 B.R. 396, 400 (S.D.N.Y. 1993). Although Appellant does not seek appellate review as to the claims and defendants disposed of in judgment BC 07.0089 [Docket No. 156], to the extent necessary to perfect its appeal of the previously interlocutory opinion, order and judgment [Docket Nos. 132, 137 and 140], Appellant has given notice of its appeal from judgment BC 07.0089 [Docket No. 156] as well.

<u>Designation No.</u>	<u>Docket No.</u>	<u>Description</u>
		Motion to Dismiss Adversary Proceeding
P-7	108	Caisse de Depot et Placement du Quebec's Reply in Further Support of Motion to Dismiss Adversary Complaint With Prejudice
P-8	113	Memorandum of Law of Enron Corp., Plaintiff, in Opposition of Motion of National Australia Bank to Dismiss Complaint
P-9	117	Defendant National Australia Bank's Reply Brief in Support of its Motion to Dismiss Adversary Complaint
P-10	130	Notice of Settlement of an Order and Exhibit A (Proposed Order)
P-11	132	Opinion Granting Defendants' Motions to Dismiss Complaint <sup>2</sup>
P-12	133	Errata Order Opinion Granting Defendants' Motions to Dismiss Complaint
P-13	134	Second Errata Order Opinion Granting Defendants' Motions to Dismiss Complaint
P-14	135	Notice of Settlement of an Order in re: Proposed Order Granting Motions to Dismiss
P-15	137	Order Granting Motions to Dismiss by Caisse de Depot et Placement du Quebec and National Australia Bank
P-16	138	Order Granting Motions to Dismiss by Certain Defendants
P-17	139	Transcript of Hearing on April 27, 2006
P-18	140	Judgment re: Caisse de Depot et Placement du Quebec and National Australia Bank (BC 06.0468)
P-19	153	Stipulation and Order Vacating Default Judgment and Dismissing Action Against CDC Investment Management Corp.
P-20	154	Stipulation and Order Dismissing Action Against Berkeley Capital Management, LLC
P-21	156	Judgment Dismissing Action Against CDC Investment Management Corp. and

<sup>2</sup> The Opinion is reported as *Enron Corp. v. Int'l Finance Corp. (In re Enron Corp.)*, 343 B.R. 75 (Bankr. S.D.N.Y. 2006).

<u>Designation No.</u>	<u>Docket No.</u>	<u>Description</u>
		Berkeley Capital Management, LLC (BC 07.0089)
P-22	160	Notice of Appeal

Dated: Los Angeles, California  
June 29, 2007

KLEE, TUCHIN, BOGDANOFF & STERN  
LLP

By: /s/ David M. Stern  
David M. Stern (DS-3689)  
Lee R. Bogdanoff (LB-6424)  
Stacia A. Neeley (SN-8727)  
1999 Avenue of the Stars, 39th Floor  
Los Angeles, CA 90067  
(310) 407-4000 (telephone)  
(310) 407-9090 (facsimile)

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Dated: New York, New York  
June 29, 2007

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By: /s/ Edward A. Smith  
Edward A. Smith (ES-2461)  
The Chrysler Building  
405 Lexington Avenue  
New York, New York 10174  
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